

JAN 05 2006

**North Oaks**  
PATENT AGENCYNorth Oaks Patent Agency LLC  
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North Oaks, MN 55127Direct: (612) 850-1688  
Fax: (612) 233-1317  
Email: sdempster@noakspa.com

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**FACSIMILE TRANSMITTAL SHEET**

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TO:	FROM:
USPTO	Shawn B. Dempster
COMPANY:	DATE:
	January 5, 2006
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-8300	61
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	D33-029-03-US
	YOUR REFERENCE NUMBERS:
	09/492,844

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Re: **Supplemental Response**

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Attached please find a copy of the Supplemental Response to the Office Action dated June 29, 2005 along with accompanying transmittal letters.

If you have any questions, do not hesitate to contact me.

Regards,

Shawn B. Dempster  
Reg. No. 34,321  
612-850-1688

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JAN 05 2006

PTO/SB/21 (09-04)

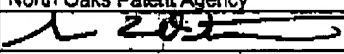
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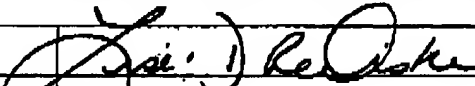
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/492,844	
	Filing Date	January 27, 2000	
	First Named Inventor	Joel Ronning	
	Art Unit	3625	
	Examiner Name	Garg, Yogesh C.	
Total Number of Pages in This Submission	61	Attorney Docket Number	D33-029-03-US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> <b>Supplemental Amendment / Reply</b> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	North Oaks Patent Agency	
Signature		
Printed name	Shawn B. Dempster	
Date	5 January 2006	Reg. No. 34,321

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Signature		
Typed or printed name	Lise D. Rediske	Date 5 January 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

In you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 05 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	J. Ronning & K. Wical		
Serial No.:	09/492,844	Examiner:	Yogesh C. Garg
Filed:	January 27, 2000	Group Art Unit:	3625
Docket:	D33-029-03-US	Customer No.	54,092
Title:	Apparatus and Method for Secure Downloading of Files		

## SUPPLEMENTAL REPLY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

In the Office Action of June 29, 2005, the Examiner noted that the provisional application 60/110,952 (the '952 application) consisted of 30 pages, but no Appendix. The '952 application is one of the priority documents for the above-identified utility patent application. Upon review of the image file wrapper at the USPTO website and the provisional application copy in the Applicant's own files, a discrepancy has been discovered. In particular, the Applicant's file contains a 53 pages of provisional application filing materials with 23 pages from Appendix A, B, and C. In addition, the transmittal letter and return postcard (see attached) indicate that the U.S. Patent Office received a 46 page provisional patent application specification. Therefore, it appears that the USPTO image file wrapper is missing part of the original '952 provisional patent application as filed.

In response to the telephone interview with Examiner Yogesh C. Garg on January 3, 2006, and in accordance with 37 C.F.R. 1.251(a), Applicant provides herewith 1) a copy of the correspondence between the USPTO and Applicant, 2) a list of such correspondence, and 3) a statement that the copy is a complete and accurate copy of Applicant's record of application. The Applicant offers these materials to help reconstruct the USPTO file of the '952 application, if the missing pages cannot be located in the USPTO files.

Please note that the Applicant is aware of additional correspondence between the USPTO and itself for the '952 application that occurred after the original provisional application filing which involved changes to power of attorney.

**List of '952 Application Documents**

	<b>Document</b>	<b>Date Submitted</b>	<b>Pages</b>
1	Provisional Application Filing Receipt	1/11/1999	1
2	Return postcard with date and application no.	12/04/1998	1
3	Copy of Express Mail Certificate	12/04/1998	1
4	Provisional Application Cover Sheet	12/04/1998	2
5	Check No. 775910 for Prov. Applic. Fee	12/04/1998	1
6	Provisional Patent Application – Specification	12/04/1998	13
7	Provisional Patent Application - Appendix A	12/04/1998	5
8	Provisional Patent Application - Appendix B	12/04/1998	10
9	Provisional Patent Application - Appendix C	12/04/1998	8
10	Provisional Patent Application - Claims	12/04/1998	9
11	Provisional Patent Application – Abstract	12/04/1998	1
12	Provisional Patent Application - Drawings	12/04/1998	4
	<b>TOTAL</b>		<b>56</b>

Applicant hereby states that the attached 56 page document is a complete and accurate copy of Applicant's record of provisional patent application 60/110,952 as filed.

Applicant respectfully requests that the USPTO record of provisional patent application 60/110,952 be corrected to show all 56 pages of the '952 application as filed.

Respectfully submitted,

DIGITAL RIVER, INC.

By agents:

NORTH OAKS PATENT AGENCY

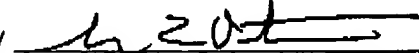
45 Island Road

North Oaks, Minnesota 55127

(612) 850-1688

Date: 5 January 2006

By



Shawn B. Dempster, Registration No. 34,321

G:\NOPA\CLIENTS\DIGITAL RIVER D33\033-029-03-US APPARATUS AND METHOD FOR SECURE DOWNLOADING OF FILES\060105 SUPPLEMENTAL RESPONSE.DOC

PTO-103P

(Rev. 8-85)

**PROVISIONAL APPLICATION  
FILING RECEIPT**

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**ASSISTANT SECRETARY AND COMMISSIONER**  
**OF PATENTS AND TRADEMARKS**  
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS
60/110,952	12/04/98	\$150.00	6420	4

LANCE VIETZKE  
 DORSEY AND WHITNEY  
 PILLSBURY CENTER SOUTH  
 220 SOUTH SIXTH STREET  
 MINNEAPOLIS MN 55402-1498

**RECEIVED JAN 11 1999**

Receipt is acknowledged of this Provisional Application. This Provisional Application will not be examined for patentability. Be sure to provide the PROVISIONAL APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to Box Provisional Application within 10 days of receipt. Please provide a copy of the Provisional Application Filing Receipt with the changes noted thereon. This Provisional Application will automatically be abandoned twelve (12) months after its filing date and will not be subject to revival to restore it to pending status beyond a date which is after twelve (12) months from its filing date.

**Applicant(s)**

JOEL RONNING, EXCELSIOR, MN; KELLY WICAL, HASTINGS, MN;  
 JIM PICHLER, GOLDEN VALLEY, MN; SEAN RYAN, DEEPHAVEN, MN;  
 MARC KUKURA, BLOOMINGTON, MN.

FOREIGN FILING LICENSE GRANTED 01/06/99

**TITLE**

APPARATUS AND METHOD FOR PROVIDING ELECTRONIC COMMERCE

DATA ENTRY BY: NHU THUY TRAN

TEAM: 05 DATE: 01/07/99

PAGE 6/61 \* RCVD AT 1/5/2006 6:24:26 PM [Eastern Standard Time] \* SVR:USPTO-EFXXRF-6/34 \* DNIS:2738300 \* CSID:952 253 8497 \* DURATION (mm-ss):16-54

JOEL  
TOM

The mail stamp of the Patent and Trademark Office on this card acknowledges the filing of the items listed below on the date indicated:

Provisional Patent Application Transmittal Letter; Provisional Patent Application - 46 pages; 4 sheets of informal drawings; and, a check in the amount of \$150

Return Receipt Post Card

Title: APPARATUS AND METHOD FOR PROVIDING ELECTRONIC  
COMMERCE  
Applicant: Digital River, Inc.  
Inventor: Ronning et al.  
Serial No.: N/A  
Dkt No.: 6420  
Initials: LV/bjs  
Mailed: 12/4/98  
Express Mail No.: EL115562668US

Jc541 U.S. PTO  
60/110952  
12/04/98

Awaiting Official Filing Receipt 3-4-99

Filing Non-provisional - 12-3-99

Provisional Filing Non-provisional - 12-4-99

EL115562668US



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Time In 11:10 AM	<input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day	Return Receipt Fee
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MINNEAPOLIS MN 55402-1498

L Lance Vietzke

Dkt. No.

## TO: (PLEASE PRINT)

PHONE

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APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

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PRO/SB/16 (6-95)  
 Approved for use through 04/11/98, OMB 0651-0037  
 Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

# PROVISIONAL APPLICATION COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION under 37 CFR 1.53 (b)(2).

EL115562668US

		Docket No.	6420	Type a plus sign (+) inside this box	+
INVENTOR/APPLICANT					
Last Name	First Name	Middle Initial	Residence (City and either state or foreign country)		
Ronning	Joel		Excelsior, Minnesota, citizen of United States		
TITLE OF INVENTION					
APPARATUS AND METHOD FOR PROVIDING ELECTRONIC COMMERCE					
CORRESPONDENCE ADDRESS					
Lance Vietzke, Dorsey & Whitney LLP, Pillsbury Center South, 220 South Sixth Street					
State	Minnesota	ZIP Code	55402-1498	Country	USA
ENCLOSED APPLICATION PARTS (check all that apply)					
<input checked="" type="checkbox"/> Specification	number of pages 46	<input type="checkbox"/> Small Entity Statement			
<input checked="" type="checkbox"/> Drawing(s)	number of sheets 4	<input type="checkbox"/> Other (specify) Check no. _____ for \$XXX.XX			
FILING INFORMATION					
<input checked="" type="checkbox"/> A check or money order is enclosed to cover the Provisional filing fees			PROVISIONAL FILING FEE AMOUNT(\$)		\$150.00
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge filing fees and credit Deposit Account Number: 04-1420					

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.

- ☒ No.
- ☐ Yes, the name of the U.S. Government Agency and the Government contract number are:

Respectfully submitted,

Signature: Lance Vietzke

Date: 12/4/98

Typed or Printed Name: Lance Vietzke

Registration No. 36,708  
(if appropriate)

- ☒ Additional inventors are being named on separately numbered sheets attached hereto.

## PROVISIONAL APPLICATION FILING ONLY

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Office of Assistance Quality Enhancement Division, Patent and Trademark Office, Washington, D.C. 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0037), Washington, D.C. 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231

## Additional Inventors

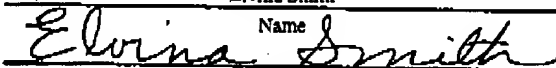
Last Name	First Name	Residence (City and either State or foreign country)
Wical	Kelly	Hastings, Minnesota, citizen of United States
Pichler	Jim	Golden Valley, Minnesota, citizen of United States
Ryan	Sean	Deephaven, Minnesota, citizen of United States
Kukura	Marc	Bloomington, Minnesota, citizen of Canada

Express Mail mailing label number EL115562668USDate of Deposit 12/4/98

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington D.C. 20231

Elvina Smith

Name



Signature

DORSEY &amp; WHITNEY LLP 220 SOUTH SIXTH STREET, MINNEAPOLIS, MINNESOTA 55402

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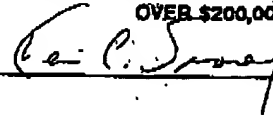
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